

EV316936968

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. ....10/667,940  
Filing Date ..... September 22, 2003 (but accorded a date of September 23, 2003)  
Inventor ..... Johns et al.  
Applicant ..... Microsoft Corporation  
Group Art Unit ..... Not Assigned Yet  
Examiner ..... Not Assigned Yet  
Attorney's Docket No. .... MS1-1671US  
Confirmation No. .... Not Assigned Yet  
Title: Facilitating Performance Analysis for Processing

**PETITION TO ACCORD CORRESPONDENCE A FILING DATE AS OF THE**  
**"DATE-IN" ON THE "EXPRESS MAIL" MAILING LABEL PURSUANT TO**  
**37 C.F.R. §1.181(a)**

To: Mail Stop Petition  
Commissioner for Patents,  
PO Box 1450  
Alexandria, Virginia 22313-1450

From: Allan T. Sponseller (Tel. 509-324-9256 (Ext. 215); Fax 509-323-8979)  
Customer No. 22801

Applicant respectfully requests the Director to accord the correspondence, which is the application and associated filing papers for U.S. Patent Application No. 10/667,940, the filing date of September 22, 2003 (which is the "Date-in" on the "Express Mail" mailing label).

Pursuant to 37 C.F.R. §1.10(c), this petition is being filed promptly after the undersigned attorney became aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date, the number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail", and

1 is hereby authorized to charge any such petition fees to our Deposit Account No.  
2 12-0769.

3  
4  
5 Respectfully Submitted,

6  
7 Dated: 10/27/03

8 By: 

9 Allan T. Sponseller  
10 Reg. No. 38,318  
11 (509) 324-9256 x 215  
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1 accompanying this petition is a true copy of the "Express Mail" mailing label  
2 showing the "date-in" of September 22, 2003.

3 In support of this petition, the following documents accompany this  
4 petition. These documents are true copies of the documents that were submitted as  
5 part of the correspondence to the Patent Office using the "Express Mail Post  
6 Office to Addressee" service of the USPS in an envelope having an "Express  
7 Mail" mailing label with the number EV316936628. These documents are:

8 (1) A true copy of the express mail label having the number  
9 EV316936628 and having a "date-in" of September 22, 2003.

10 (2) A true copy of a postcard having the "Express Mail" mailing  
11 label number EV316936628 stamped thereon prior to the mailing of the  
12 correspondence

13 (3) A true copy of a utility patent application transmittal having the  
14 "Express Mail" mailing label number EV316936628 stamped thereon prior  
15 to the mailing of the correspondence.

16 (4) A true copy of a nonpublication request having the "Express  
17 Mail" mailing label number EV316936628 stamped thereon prior to the  
18 mailing of the correspondence.

19 (5) A true copy of the first page (cover sheet) of the application  
20 having the "Express Mail" mailing label number EV316936628 stamped  
21 thereon prior to the mailing of the correspondence.

22  
23 Applicant respectfully requests that U.S. Patent Application No. 10/667,940  
24 be accorded a filing date of September 22, 2003. Applicant believes that no fees  
25 are required for this Petition, however, if any petition fees are required the Office



10-28-03

EV316936968

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

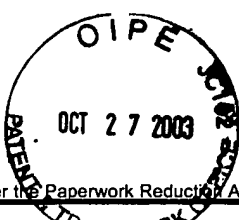
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/667,940
	Filing Date	Sep 22, 2003
	First Named Inventor	Johns
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number MS1-1671US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) Sheets <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Post Card; Attachments to Petition
Remarks <div>22801</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Allan T. Sponseller, Reg. No. 38,318
Signature	
Date	10/27/03

CERTIFICATE OF EXPRESS MAILING		
I hereby certify that the items listed above as enclosed are being deposited with the U.S. Postal Service as Express Mail, in an envelope addressed to The Commissioner of Patents, Alexandria, VA 22313 on the below-indicated date. The Express Mail No. has also been marked on the listed items. <div>Express Mail No.</div>		
Typed or printed name	Laurie S. Morgan	
Signature		Date 10/27/03

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0.00

**Complete if Known**

Application Number	10/667,940
Filing Date	Sep 22, 2003
First Named Inventor	Johns
Examiner Name	
Art Unit	
Attorney Docket No.	MS1-1671US

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

12-0769

Lee &amp; Hayes, PLLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$ ) 0.00	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below	Fee Paid
Independent Claims	Multiple Dependent	-20** =	-3** =		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type) Allan T. Sponseller

Registration No. 38,318  
(Attorney/Agent)

Telephone (509) 324-9256

Signature

Date 10/27/03

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Mo. Day Year	<input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 1	Return Receipt Fee		Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
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EV316936968

MS1-1671US

Microsoft Corporation

9/22/2003

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the documents enumerated below, relating to the following application for letters patent:

Title: "Facilitating Performance Analysis for Processing"

Inventorship: Johns et al.

1. Transmittal Letter
2. Fee Transmittal
3. Nonpublication Request
4. New patent application (title page plus pages 1-64, including claims 1-20 & Abstract)
5. Executed Declaration
6. 27 sheets of formal drawings (Figs. 1-28)
7. Assignment w/Recordation Cover Sheet
8. PTO Return Postcard Receipt

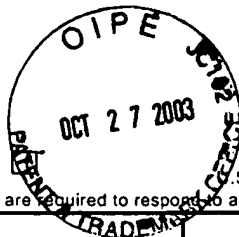
22141 U.S. PTO  
10/667940



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EV316936628

LEE & HAYES, PLLC  
/s/LEE & HAYES, PLLC



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PTO/SB/05 (03-01)

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Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	MS1-1671US
First Inventor	Johns
Title	Facilitating Performance Analysis for Processing
Express Mail Label No.	EV316936628

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

Mail Stop Patent Application  
ADDRESS TO: Commissioner for Patents/P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **65**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **27**]
5. Oath or Declaration [Total Pages **2**]
  - a. ☒ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))
  - b. ☐ (for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: \_\_\_\_\_/\_\_\_\_\_

Prior application information:

Examiner \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

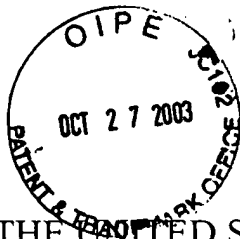
**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label **22801** or ☐ Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Allan T. Sponseller	Registration No. (Attorney/Agent)	38,318
Signature		Date	9/22/03

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**EV316936628**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICATION FOR LETTERS PATENT**

**Facilitating Performance Analysis for Processing**

Inventor(s):  
Kyle R. Johns  
J. Andrew Goossen

ATTORNEY'S DOCKET NO. MS1-1671US

**EV316936968**